IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17206 of 2001

Between:

P.Dharma Reddy S/o.Venkat Reddy
D.No.13/238 Golla Krishnaiah Lane
West Mada Street Tirumala

..... PETITIONER

AND

1 The Executive Authority (TTD) Tirumala Grampanchayat
Tirumala, Chittoor Dist
2 The Commissioner Charitable & Hindu Religious Institutions & Endowments
Tilak Road, Hyderabad
3 The Fit Person Sir Goli Gopuram Mutt
Chinna Bazar Street, Tirupathi

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of R1 in not permitting the petitioner to erect a temporary shed for doing business at the site 12' X 12' in S.No.336, Tirumala belonging to R3 Mutt as per terms and conditions of auction notice Dt.08/10/2000 of R3 even though the same was approved by R2 in his proceedings D.Dis.No.I2/14292/2001, Dt.27/04/2001 / 18/05/2001 as illegal, arbitrary and violative of Art.14 of the Constitution of India and consequently direct R1 to permit the petitioner to erect a temporary shed and do business at the site 12' X 12' in S.No.336, Tirumala belonging to R3 Mutt.

For the Petitioner: MR.M.S.RAMCHANDRA RAO, Advocate

For the Respondent No.: MR.M.ADINARAYANA RAJU

SC for TTD

The Court made the following :

ORDER:

The petitioner is the successful bidder in the public auction conducted for the vacant site ad-measuring 12' x 12' in S.No.336 of Tirumala near Tirumala footpath, Gali Gopuram for the period from 1-11-2000 to 31-10-2003 to do business by selling articles for the benefit of tourists. It is stated that as per the auction notice, the petitioner is entitled to erect a temporary shed at his own expenses. But when he intended to erect a temporary shed, the respondent No.1 has not allowed to erect temporary shed. Therefore, he filed the present writ petition.

This court while admitting the writ petition on 18-8-2001, permitted the petitioner to make a temporary construction, which is liable to be demolished.

Opposing the writ petition, the first respondent filed counter-affidavit stating that Civic Administration of Tirumala hills area vests with the Executive Authority of Tirumala Gram Panchayat. Under Section (1) of Section 114 of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, the Government has notified the limits of Tirumala Hills area for Civic Administration. As per said notification, area which was leased out falls within the area earmarked for the purpose of Civic Administration and the same is within one chain line from the center of the footpath. Unless permission is obtained from the first respondent, the petitioner is not entitled

to erect a shed and the first respondent is not bound by the auction notice or proceedings of the second respondent.

No reply-affidavit is filed controverting the statements made in the counter-affidavit of the first respondent.

In view of the fact that lease period is already expired and in view of the categorical statements made by the first respondent in his counter-affidavit, it is declared that unless permission is accorded by the first respondent, the petitioner is not entitled to erect a temporary shed in the area leased out to him, if the lease is renewed for further period.

The writ petition is accordingly dismissed. Interim direction granted by this court dt. 18-8-2001 shall stand vacated. No costs.

Dt.28-06-2004

ASSISTANT REGISTRAR

To

1 The Executive Authority (TTD) Tirumala Grampanchayat
Tirumala, Chittoor Dist
2 The Commissioner Charitable & Hindu Religious Institutions & Endowments
Tilak Road, Hyderabad
3 The Fit Person Sir Goli Gopuram Mutt
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